

ARKANSAS SUPREME COURT

No. CR 06-584

NOT DESIGNATED FOR PUBLICATION

MICHAEL L. VENN
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered November 30, 2006

PRO SE MOTIONS FOR
RECONSIDERATION OF DENIAL OF
LEAVE TO FILE *PRO SE*
SUPPLEMENTAL BRIEF AND TO
EXCLUDE APPELLEE'S BRIEF
[APPEAL FROM THE CIRCUIT
COURT OF BENTON COUNTY, CR
2002-1141, HON. TOM J. KEITH,
JUDGE]

MOTIONS DENIED.

PER CURIAM

A jury found appellant Michael L. Venn guilty of rape and sentenced him to twenty years' imprisonment in the Arkansas Department of Correction. The Arkansas Court of Appeals affirmed the judgment. *Venn v. State*, CACR 04-1315 (Ark. App. Nov. 2, 2005). Appellant timely filed in the trial court a *pro se* petition for postconviction relief under Ark. R. Crim. P. 37.1, which was denied. Counsel representing appellant lodged an appeal of that order in this court, and appellant filed a *pro se* motion seeking permission to file a *pro se* supplemental brief on points raised in his petition but not argued by counsel on appeal. We denied that motion. *Venn v. State*, CR 06-584 (Ark. Oct. 12, 2006) (*per curiam*).

Now before us is appellant's motion requesting that this court reconsider our decision on that motion. We further note that appellant continues to submit *pro se* pleadings, despite our ruling

denying his request to so proceed. Appellant has additionally submitted a *pro se* motion asking this court to exclude the State's brief as untimely. Our docket shows that appellee was granted a clerk's extension on September 19, 2006, which extended the filing deadline for appellee's brief to September 28, 2006. The State filed its brief on September 27, 2006. Clearly, the appellee's brief was timely filed.

In his motion for reconsideration, appellant simply reargues points from his brief that counsel indicated did not have merit. Appellant does not address the reasons stated in counsel's brief for not addressing those points, and only makes the conclusory allegation that the points do indeed have merit. Appellant asserts, for example, that trial counsel was ineffective for failing to call or investigate certain witnesses. Yet, appellant does not indicate that he detailed the missing testimony in his petition to the trial court. Nor does appellant explain how the decision not to call the witnesses would fail to be trial strategy that falls outside the purview of a Rule 37.1 proceeding. While appellant does provide some additional facts and citation to authority, we cannot say that what is provided supports the proposition that any of the points are meritorious any more than what was in appellant's original motion.

As we noted in our decision denying the motion, appellant has not shown that counsel's brief is lacking. *Gidron v. State*, 312 Ark. 517, 850 S.W.2d 331 (1993) (*per curiam*) (citing *Wade v. State*, 288 Ark. 94, 702 S.W.2d 28 (1986) (*per curiam*)). Appellant has made no showing of any deficiency in the brief, or that counsel did not sufficiently address each point in appellant's petition to the trial court. Appellant has stated no reason to revisit our previous decision on this issue, and, therefore, we deny his motion for reconsideration.

Motions denied.

Glaze, J., not participating.